

RESOLUTION NO. 200973

Adopted October 8, 1970

RESOLUTION OF THE COUNCIL OF THE CITY
OF SAN DIEGO, CALIFORNIA, DIRECTING THE
CITY CLERK TO GIVE NOTICE INVITING SEALED
BIDS FOR THE PURCHASE OF IMPROVEMENT BONDS
AND THE CONSTRUCTION OF STREET LIGHTING
FACILITIES AND THE CONVERSION OF EXISTING
OVERHEAD ELECTRIC AND COMMUNICATION FACILITIES
TO UNDERGROUND LOCATIONS IMPROVEMENTS.

(Harbor View Drive, et al,
Assessment District)

WHEREAS, the Council adopted a resolution approving a
Report of the City Engineer under the Municipal Improvement
Act of 1913 and Resolution of Intention No. 200971, and
provided for a hearing thereon; and

WHEREAS, it is desirable that, prior to said hearing,
bids be received for the purchase of bonds to be issued to
represent unpaid assessments and also bids for the construction
of the proposed improvements; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego,
as follows:

Section 1. Sealed bids for the construction of the
improvements described in the Report shall be received by the
City Clerk up to 11:00 A.M., November 4, 1970. The
City Clerk is directed to give notice, in the usual form, inviting
such bids, such notice to be given in the manner provided by law.

Section 2. Sealed bids for the purchase of said bonds
shall be received at the time and in the manner stated in the
following notice. The City Clerk is directed to publish said
notice once in THE DAILY TRANSCRIPT. Said notice shall be
substantially as follows:

NOTICE INVITING BIDS ON
1911 ACT BONDS OF THE
CITY OF SAN DIEGO,
CALIFORNIA

(Harbor View Drive, et al
Assessment District)

NOTICE IS HEREBY GIVEN that pursuant to the Municipal Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code) sealed bids for improvement bonds of The City of San Diego are invited and will be taken as herein provided.

TIME AND PLACE FOR FILING AND OPENING OF BIDS. Bids must be sealed and filed with the City Clerk in his office on the 12th Floor, City Administration Building, 202 "C" Street, San Diego, California, up to, but not later than 11:00 A.M. on November 9, 1970. Bids may be delivered personally or mailed to the City Clerk at his office at the above address. All bids so filed will be immediately opened, examined and declared by the Purchasing Agent in the Purchasing Department, Third Floor Conference Room, in said City Administration Building. The Purchasing Agent will thereafter report the results of said bidding to the Council.

BID FORM. Forms of bids for the purchase of the bonds are provided by and may be obtained from the City Clerk. All bids shall be submitted in substantially the same form as that provided by the City Clerk.

THE PROJECT AND ASSESSMENT DISTRICT. The project generally consists of the construction of street lighting facilities and the removal of existing overhead electric and communication facilities and the replacement thereof by the construction of underground electric and communication facilities.

Said improvements and the district to be assessed to pay the costs and expenses thereof are located in the Point Loma area of The City of San Diego, about three quarters of a mile westerly of Shelter Island, all as more particularly described in the Report of the City Engineer on file in the office of the City Clerk.

ESTIMATED ASSESSMENT. The estimated cost of the project as shown on the Report of the City Engineer is:

Estimated cost of construction of street lighting facilities and of conversion of electric and communication services located on private property.	\$48,490.
Estimated cost of conversion of electric facilities located on public streets.	80,436.
Estimated cost of conversion of communication facilities located on public streets.	27,500.
Estimated incidental expenses.	15,729.
Estimated bond discount.	<u>16,835.</u>
Total estimated costs and expenses to be assessed upon property within the assessment district.	\$188,990.

Until the approval of said Report and the confirmation of the diagram and assessment contained therein, the Council of said

city has the power and reserves the right to make changes in the proposed assessment district, the improvements, the assessment and diagram and any other act, determination or provision made, or permitted to be made, by the Council under the Municipal Improvement Act of 1913. Construction bids are to be received prior to confirmation of the diagram and assessment. Changes may be made in the amount of the assessment, as may be required, by reason of the best responsible bids made upon construction and upon the sale of the bonds.

CONSTRUCTION BID OPENING, HEARING ON REPORT, CONFIRMATION AND RECORDATION OF ASSESSMENT AND AWARD OF BONDS. Bids for the construction of the improvements are to be opened after 11:00 A.M. on November 4, 1970, by the Purchasing Agent in the Purchasing Department, Third Floor Conference Room, in said City Administration Building. The above-mentioned Report and the proposed assessment contained therein has been set for hearing by the Council of said city at 9:30 A.M. on November 10, 1970. Upon the conclusion of the hearing the Council, in its discretion, may abandon the proceedings, make changes therein or may confirm said assessment as filed with the City Clerk or as modified or corrected by the Council. The award of the bonds, if any, will be made following the conclusion of said hearing and the confirmation of said assessment. The assessment will be recorded not later than the day following its confirmation.

DESCRIPTION OF BONDS. Pursuant to the Municipal Improvement Act of 1913, the Council has determined that bonds are to be issued under the Improvement Act of 1911 (commencing with Section 5000, Streets and Highways Code). The bonds are to be issued to represent each assessment of \$50 or over remaining

unpaid for 30 days after the date of recordation of the assessment. The bonds will be dated the thirty-first day after such recordation. The bonds will be serial bonds and will extend over a period ending nine years from the second day of January next succeeding the next September 1st following their date. Pursuant to Section 6464, Streets and Highways Code, the Council has elected to have the redemption provisions of the bonds provide for a premium of 5% of the unpaid principal of the bonds.

It is expected that the bonds will be dated on or about December 11, 1970. The bonds will be payable in 10 annual installments represented by principal coupons payable on January 2 of the years 1972 to 1981, inclusive. The first interest coupon will represent interest from the date of the bonds to July 2, 1971 and thereafter interest coupons will represent semiannual interest on the unpaid balance.

PRINCIPAL AMOUNT OF BONDS. The principal sums of the individual bonds will vary in amounts. The aggregate principal amount of bonds to be issued cannot, and will not, be determined until after the expiration of the period for cash payment of assessments, being the 30 days after the date of recording the assessment.

INTEREST RATE. The interest rate may not exceed 7%, payable semiannually. The interest rate must be a multiple of 1/100th of 1%. Only a single interest rate shall be bid for all of the bonds to be issued.

AWARD. The bonds will be sold for cash only. All bids must be for not less than all of the bonds to be issued, and any bid for less than all of the bonds or for varying rates of

interest will be rejected. The bonds will be awarded to the highest responsible bidder, considering the interest rate specified and the premium or discount, if any, designated by the bidder. For the purpose only of comparing bids it will be assumed (i) that bonds will be issued in a principal amount equal to the total estimated amount to be assessed upon property within the assessment district, namely, the sum of \$188,990 and (ii) that the bonds will be dated December 11, 1970. The highest bid will be determined by deducting the premium from, or adding the discount to, the total amount of interest which would be required to be paid from the date of the bonds on the decreasing balances thereof to January 2, 1981 at the coupon rate specified in the bid. The award will be made on the basis of the lowest net interest cost. If there shall be tie bids, the highest bid will be determined by lot.

TIME OF AWARD. The city will take action awarding the bonds or rejecting the bids not later than 72 hours after the time above specified for the filing of bids; provided, that the award may be made after the expiration of such time if the successful bidder shall not have given the Council notice in writing of the withdrawal of his bid.

GOOD FAITH CHECK. A certified or cashier's check on a responsible bank or trust company in the amount of \$6,000 payable to the order of the city must accompany each proposal as a guarantee that the bidder, if successful, will accept and pay for the bonds in accordance with the terms of his bid. The proceeds of the check accompanying any accepted proposal will be applied on the purchase price; provided, that if the

successful bidder fails to perform in accordance with the terms of this notice and of his bid said proceeds will then be retained by the city. The check accompanying each unaccepted proposal will be returned promptly.

DELIVERY. Delivery of said bonds will be made to the successful bidder at the office of the Treasurer, City Administration Building, 202 "C" Street, San Diego, California. It is expected that the bonds will be delivered within 75 days from the date of sale thereof. The successful bidder shall have the right, at his option, to cancel the contract of purchase if the Treasurer shall fail to execute the bonds and tender them for delivery within said 75-day period, in which event the successful bidder shall be entitled to the return of the good faith check accompanying his bid. At the time of delivery the purchaser must pay accrued interest from the date of the bonds to the date of delivery, computed on a 360-day year basis.

LEGAL OPINION; COST OF PRINTING BONDS. The unqualified opinion of Franklin T. Hamilton, attorney, Los Angeles, approving the validity of said bonds will be furnished to the successful bidder at or prior to the date of delivery of the bonds at the expense of the city. The cost of printing bonds will be borne by the city and will not be payable by the successful bidder.

RIGHT OF REJECTION. The Council reserves the right in its discretion to reject any and all bids and, to the extent authorized by law, to waive any irregularity or informality in any bid.

GIVEN BY ORDER of the Council of The City of San Diego, California, on October 8, 1970.

John Lockwood
City Clerk, The City of
San Diego, California

APPROVED: JOHN W. WITT,
City Attorney

By 
Curtis M. Fitzpatrick,
Deputy

Passed and adopted by the Council of The City of San Diego on October 8,
by the following vote:

RECEIVED
CITY CLERK'S OFFICE

1970 OCT -2 PM 1:20

SAN DIEGO, CALIF.

Councilmen
Helen Cobb
Sam T. Loftin
Henry L. Landt
Leon L. Williams
Floyd L. Morrow
Bob Martinet
Allen Hitch
Mike Schaefer
Mayor Frank Curran

Yeas	Nays	Excused	Absent
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AUTHENTICATED BY:

FRANK CURRAN
Mayor of The City of San Diego, California.

JOHN LOCKWOOD
City Clerk of The City of San Diego, California.

(Seal)

By Stella Theodore, Deputy. *KL*

Office of the City Clerk, San Diego, California

Resolution
Number 200973 Adopted October 8, 1970